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October 27, 2003

RECEIVED

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Marlene H Dortch
Secretary
Federal Communications Commission
c/o 236 Massachusetts Avenue, N E
Suite 110
Washington, D C 20002

Hand-Delivered

Re Amendment of Section 73 202(b),
Table of Allotments, FM Broadcast Stations
(Alva, Mooreland, Tishomingo, Tuttle, and Woodward, Oklahoma)
MM Docket No 98-155, RM-9082, RM-9133

Dear Ms Dortch

Classic Communications, Inc ("Classic"), licensee of Station KWFY(FM), Woodward, Oklahoma, submits these comments in support of the "Supplement to Application for Review," filed September 26, 2003 by Chisholm Trail Broadcasting Company, Inc ("CTBC") Classic agrees with CTBC that, in the absence of a continuing expression of interest in the allotment of Channel 259C3 to Tuttle, Oklahoma, the Commission lacks the requisite authority under Section 307(b) of the Communications Act of 1934, as amended, 47 U S C §307(b), to reallocate Channel 259C3 from Tishomingo to Tuttle, Oklahoma Moreover, Classic would be substantially prejudiced if the Commission were to reallocate Channel 259C3 to Tuttle in the absence of an expression of interest because there no longer is a party to reimburse Classic for the reasonable costs that it would incur in implementing the modification of KWFY's license to operate on Channel 292C1 in lieu of Channel 261C1 See Circleville, Ohio, 8 FCC 2d 159 (1967)

Classic's only involvement in this allotment proceeding has been that of a passive observer As a result of Ralph Tyler's ("Tyler's") proposal to reallocate Channel 259C3 from Tishomingo to Tuttle, Oklahoma and modify the license for Station KTSH to specify Tuttle as the station's new community of license, KWFY has been forced to move from Channel 261C1 to Channel 292C1

The license for KWFY previously was upgraded from Channel 228A to Channel 261C1 See Woodward, Oklahoma, 5 FCC Rcd 6628 (Pol & Rules Div 1990) After acquiring the station on April 30, 1996, Classic was informally advised by the Commission's staff that KWFY was authorized

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to operate on Channel 261C1, and not Channel 228A, upon which the station continues to be licensed. On August 11, 1997, Classic filed an application to upgrade KWFX to operate on Channel 261C1. See File No. BPH-19970811IC.

In response to the Notice of Proposed Rule Making and Orders to Show Cause, 13 FCC Rcd 25353 (Alloc. Branch 1998), Classic affirmed its intent to operate KWFX as a Class C1 facility on Channel 261. See "Response to Order to Show Cause and Comments of Classic Communications, Inc.," filed October 19, 1998, p. 1. Classic also noted, however, that it would not object to the proposed modification of the KWFX license to operate on Channel 292C1 so long as it was reimbursed for its reasonable and prudent expenses in moving to the new frequency. Id. at 2.

In order to accommodate Tyler's proposal to reallocate Channel 259C3 from Tishomingo to Tuttle, the Commission modified the KWFX license to specify operation on Channel 292C1. Memorandum Opinion and Order, 17 FCC Rcd 14722, 14725 (Auct. Div. 2002) ("MO&O"). In doing so, the Commission stated that Tyler would be required to reimburse Classic for its reasonable costs in implementing the modification of its license to operate on the new channel. Id. Accordingly, Classic amended its pending construction permit application for KWFX on February 24, 2003 to specify Channel 292C1 in lieu of Channel 261C1.

As stated above, KWFX has been forced to move from Channel 261C1 to Channel 292C1 solely because of Tyler's proposal to operate on Channel 259C3 at Tuttle. Classic has never had any desire to operate on Channel 292C1, but understood that it was obligated to do so in order to accommodate the reallocation of Channel 259C3 to Tuttle. Classic also understood, however, that it was obligated to move to Channel 292C1 on the express condition that it was to be reimbursed for the reasonable costs that it would incur in implementing the channel change in accordance with the procedures established in Circleville, Ohio. See MO&O, 17 FCC Rcd at 14725 n. 17. As CTBC noted in its Supplement to Application for Review, due to the withdrawal of Tyler's pleadings and applications concerning Station KTSH, including his minor change application to specify Tuttle as the station's new community of license, there no longer is an expression of interest in Channel 259C3 at Tuttle. Thus, there no longer is any basis for requiring KWFX to move to Channel 292C1.

Classic would be prejudiced if the Commission were to reallocate Channel 259C3 to Tuttle in the absence of an expression of interest because there no longer is a source of reimbursement for implementing the channel change. Classic is a small broadcaster which has a limited budget. The obligation of having to implement the frequency change without being reimbursed for the costs associated with that modification would place an unreasonable financial burden on Classic, especially considering that there no longer is an expression of interest in operating Channel 259C3 at Tuttle. Therefore, Classic respectfully requests that the Commission dismiss Tyler's reallocation proposal,

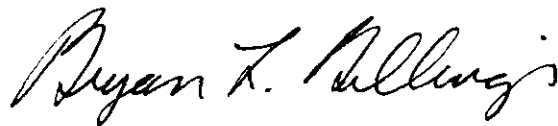
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re-establish the allotment of Channel 259C3 at Tishomingo, and modify the MO&O to provide that KWFX is authorized to operate on Channel 261C1 at Woodward

If you have any questions in regard to this matter, please do not hesitate to contact me. Thank you very much.

Very truly yours,

BILLINGS & BILLINGS

A handwritten signature in black ink, reading "Bryan L. Billings". The signature is written in a cursive, flowing style.

Bryan L. Billings
Counsel for Classic Communications, Inc

BLB lf

FedEx No 8296 7155 4335

cc	The Honorable Michael Powell (by hand)	The Honorable Kathleen Abernathy (by hand)
	The Honorable Michael Copps (by hand)	The Honorable Kevin Martin (by hand)
	The Honorable Jonathan Adelstein (by hand)	Peter H. Doyle, Esq. (by hand)
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